

## **Exhibit 27**

*State of California ex. rel. Ven-A-Care of the Florida Keys, Inc. v.  
Abbott Laboratories, Inc., et al.*

Exhibit to the Declaration of Nicholas N. Paul in Support of Plaintiffs' Sur-Reply in  
Opposition to Defendants' Joint Brief in Support of Their Motions for Summary Judgment

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UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

- - - - - x

IN RE: PHARMACEUTICAL ) MDL NO. 1456  
INDUSTRY AVERAGE WHOLESALE ) Master File No. 01-12257-PBS  
PRICE LITIGATION ) Subcategory Case No. 06-11337

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THIS DOCUMENT RELATES TO: ) Hon. Patti B. Saris  
State of California, ex rel.)  
Ven-A-Care v. Abbott )  
Laboratories, Inc., et al. ) VOLUME II

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Thursday, September 24, 2009

9:04 a.m. to 4:19 p.m.

Videotaped deposition of JEFFREY

LEITZINGER, Volume II, held at the law offices of  
White & Case, 633 West Fifth Street, 19th Floor,  
Los Angeles, California 90071-2007, the  
proceedings being recorded stenographically by  
Lisa O'Sullivan, California Certified Shorthand  
Reporter No. 7822, RMR, CRR, and transcribed  
under her direction.

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1 instruction came to you?

2 A. It's probably late spring or within --  
3 late spring of this year, maybe even, you know, a  
4 month or two before the report was provided.

5 Q. Was the report already drafted at some  
6 level at that point?

7 A. I don't know that any drafting had  
8 begun at that point, but certainly the process of  
9 preparing the numbers, preparing schedules, all  
10 of that, was well underway.

11 Q. And what's your best recollection as to  
12 anything the State told you as to why they  
13 decided to have you do it that way instead of  
14 using the wholesale markup?

15 A. My -- my best sense of it, and I don't  
16 have a specific conversation in mind, but was  
17 that the State, in looking at some of the  
18 decisions that Judge Saris had issued, came to  
19 believe it was appropriate to build in a 25  
20 percent markup.

21 Q. Okay. Anything else?

22 A. No.